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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,219	07/06/2000	Scott A. Chalmers	02578.0006.00US00	4816

22930 7590 10/31/2003

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EXAMINER

PHAM, HOA Q

ART UNIT PAPER NUMBER

2877

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,219

Applicant(s)

CHALMERS ET AL.

Examiner

Hoa Q. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28,30-43,45 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28,30-43,45 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-28, 30-43, 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ledger (5,436,725) in view of Cabib et al (5,856,871), and Finland reference (***ImSpector*** imaging Spectrograph brochure including specifications, **Spectral Imaging Ltd.**) (of record).

Regarding claims 1, 3, 6, 7, 9, 10, 18-20, 25, 28, 37-43 and 45; Ledger discloses a method and apparatus for measuring the thickness of a thin film on a pattern wafer in which the thickness of the thin film is determined on the basis of the combination between the low resolution imaging means and high resolution imaging means. In addition, Ledger teaches that it is well known in the art that the thickness of the thin film can be determined on the basis of either low resolution imaging means or high resolution imaging means (column 1, lines 32-44). Ledger does not explicitly teach that an imaging spectrometer for deriving a plurality of one-spatial-dimension spectral images to produce a two spatial dimension spectral image. However, such a feature is known in the art as taught by Cabib et al and Finland reference. Cabib et al teaches that an imaging spectrometer or spectral imager using for resource mapping of the earth surface from airplanes and satellites could be used for film thickness mapping (column

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2 lines 8-23). Furthermore, Finland reference teaches that imaging spectrometer is a one-spatial-dimension imaging spectrometer (figure in page 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include in Ledger a high resolution imaging spectrometer, since Ledger suggests the use of a high resolution image means, Cabib et al teaches that an imaging spectrometer or spectral imager using for resource mapping of the earth surface from airplanes and satellites could be used for film thickness mapping and Finland reference teaches the use of an imaging spectrometer.

Regarding claims 1, 2, 5, 8, 17, 26, 27, 36, 40, and 42, the vacuum chuck in column 4, lines 10-12 of Ledger is considered as translation mechanism.

Regarding claims 4, 11, 12, 14, 18, 21-22, 24, 30-31, 33, and 47, Ledger teaches that the thickness of the thin film is measured at one or more desired locations (column 1, lines 6-8; column 2, lines 50-62, column 4, lines 13-22).

Regarding claims 15, 16, 34, 35, using wireless or optical communication link is well known in the art. Thus, it would have been obvious to modify the system of Ledger by a wireless system.

Regarding claims 13, 23, and 32; it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the basic device of Ledger to determine the refractive index of the thin film if additional measurement is desired.

Response to Arguments

3. Applicant's arguments filed 7/25/03 have been fully considered but they are not persuasive.

a. Applicant's remarks, page 10, argue that the references do not teach the pattern film is inspected. However, this limitation is taught by Ledger (see abstract).

b. Using a high resolution imaging imager is taught by Ledger as mentioned above.

c. Ledger teaches the two-step procedure as mentioned above.

In view of the foregoing, it is believed that the rejection of claims 1-28, 30-43, 45 and 47 under 35 U.S.C 103 is proper.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa Q. Pham whose telephone number is (703) 308-4808. The examiner can normally be reached on 6:30 AM to 5 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (703) 308-4881. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Hoa Q. Pham
Primary Examiner
Art Unit 2877

HP
October 29, 2003